

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #7	CCRB Case #: 201911100	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/29/2019 1:30 PM	Location of Incident: [REDACTED]	Precinct: 62	18 Mo. SOL 6/29/2021	EO SOL 2/13/2022	
Date/Time CV Reported Sun, 12/29/2019 3:51 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 12/29/2019 3:51 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Silla	10359	942544	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Chochorowski	01156	963457	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Silla	Discourtesy: Police Officer Thomas Silla spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Thomas Silla	Discourtesy: Police Officer Thomas Silla spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Thomas Silla	Abuse: Police Officer Thomas Silla threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On December 29, 2019, § 87(2)(b) filed the following complaint via the CCRB website on behalf of herself and her father.

On December 29, 2019, at approximately 1:30 PM, across the street from his home at § 87(2)(b) in Brooklyn, § 87(2)(b) was involved in a dispute with another driver, § 87(2)(b), over a parking space, in which § 87(2)(b) acknowledged tapping the front of § 87(2)(b)'s vehicle but causing no damage. § 87(2)(b) called 911 to report the accident.

Police Officer Thomas Silla and Police Officer Christian Chochorowski, both of the 62nd Precinct, responded. PO Silla spoke with § 87(2)(b) and his passengers while PO Chochorowski spoke to § 87(2)(b). While talking to the officers, § 87(2)(b)'s daughter, § 87(2)(b), became very upset and began to shed tears, allegedly causing PO Silla to say he was happy that he made § 87(2)(b) cry (**Allegation A – Discourtesy:** § 87(2)(g)). PO Silla also allegedly told § 87(2)(b) to wipe the smile off his face before he altered the accident report to make it worse for him (**Allegation B – Discourtesy:** § 87(2)(g)). PO Silla then threatened to arrest § 87(2)(b) (**Allegation C – Abuse of Authority,** § 87(2)(g)).

The CCRB has security camera footage from the § 87(2)(b)'s landlord who lives in the same multi-family home (**Board Review 1**). There is no Body Worn Camera Footage because nature of the incident did not require the use of BWC as per the Patrol Guide.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Thomas Silla spoke discourteously to § 87(2)(b).

Allegation (B) Discourtesy: Police Officer Thomas Silla spoke discourteously to § 87(2)(b).

Allegation (C) Abuse of Authority: Police Officer Thomas Silla threatened to arrest § 87(2)(b).

In her statement, § 87(2)(b) said she heard § 87(2)(b) tell PO Silla her father hit his car multiple times. (**Board Review 2**) § 87(2)(b) disagreed and tried to tell PO Silla what she saw, but PO Silla told her to be quiet. PO Silla accused § 87(2)(b) and § 87(2)(b) of lying because their story did not match § 87(2)(b)'s. PO Silla asked § 87(2)(b) her age and when § 87(2)(b) informed him she was § 87(2)(b), PO Silla allegedly told her, "I don't need to explain myself to a § 87(2)(b)-year-old, I know how to do my job. Go home. No one needs you here. There's no point in you being here," which caused § 87(2)(b) to cry. When § 87(2)(b) told PO Silla that he made his daughter cry, PO Silla allegedly said "good" and started laughing.

§ 87(2)(b) could not hear the entire conversation between PO Silla and § 87(2)(b) but he heard § 87(2)(b) shouting and saw him jab his index finger excitedly towards PO Silla. (**Board Review 3**) Another witness, § 87(2)(b) was listed on the accident report. (**Board Review 4**) § 87(2)(b) said she saw § 87(2)(b) and § 87(2)(b) constantly trying to tell their side of the story to PO Silla and § 87(2)(b) used an unnecessarily loud voice. (**Board Review 5**) PO Silla responded loudly to § 87(2)(b) and issued her instructions to step away from the officers and wait at a distance while they completed their investigation. At that point, § 87(2)(b) saw

§ 87(2)(b) in tears. § 87(2)(b)'s husband, § 87(2)(b) also identified on the accident report, saw § 87(2)(b) speaking to the officers without allowing anyone else to provide their version of the accident despite being repeatedly told by the police officers to stop interrupting. **(Board Review 6)** § 87(2)(b) of § 87(2)(b), Brooklyn, did not witness the entire interaction, but he did see PO Silla getting loud with § 87(2)(b) and § 87(2)(b) **(Board Review 7)** He could not hear what they were saying, however.

According to § 87(2)(b) at another point, regarding a discussion about needing medical attention, § 87(2)(b) laughed while making a joke about needing to go to the hospital the next day for surgery. **(Board Review 2)** § 87(2)(b) described this interaction differently, where he said he was smiling to ease the tension. **(Board Review 8)** Both § 87(2)(b) and § 87(2)(b) alleged PO Silla told § 87(2)(b) to stop smiling and he could make the incident look worse for him. He then threatened to arrest § 87(2)(b) § 87(2)(b) believed PO Silla did so because her father had no evidence to support his testimony about the accident. **(Board Review 2)**

When PO Silla arrived on the scene, he encountered a chaotic situation. **(Board Review 9)** Both PO Silla and PO Chochorowski described § 87(2)(b) and § 87(2)(b) as continuously interrupting them. **(Board Review 10)** PO Silla had to tell § 87(2)(b) in a stern and commanding voice to stand back and remain on the sidewalk. Because § 87(2)(b) stated that she was not involved with the accident, PO Silla determined her statement was unnecessary. Both officers recall PO Silla telling her to step away. PO Silla could tell she was upset and agitated but did not remember her crying and denied indicating he was happy she was distressed. He also said he had no memory of asking about her age. **(Board Review 9)** PO Chochorowski saw that § 87(2)(b) started crying but did not hear PO Silla say it was a good thing. **(Board Review 10)**

PO Silla had no recollection of § 87(2)(b) making jokes about his knee surgery the next morning. **(Board Review 9)** He denied telling § 87(2)(b) to wipe the smile of his face and could not remember § 87(2)(b) ever smiling throughout their interaction. At no point, according to PO Silla, did he say he could change the accident report to make § 87(2)(b) appear worse. He said § 87(2)(b) provided an inconsistent version of events and he believed he was trying to change the facts. As a result, PO Silla told him that falsifying an accident report was an arrestable offense.

The security footage provided by landlord § 87(2)(b) shows portions of the interaction but does not have any audio and much of the interaction is off-camera. **(Board Review 1)** It does not provide any evidence as to what may have been said by the officers or civilians. The footage does show § 87(2)(b) speaking to the officers while they are in their vehicle, at times leaning in very close, almost putting his head inside the SUV.

In a clip showing 1:48:45 PM to 1:57:53 PM, § 87(2)(b) can be seen speaking to PO Chochorowski who is in the passenger seat of the NYPD SUV. His daughter and wife are within a few feet of him on the street at timestamp 2:53. As § 87(2)(b) and later § 87(2)(b) speak into the vehicle, they both use somewhat animated gestures, but don't appear to be out of control or moving wildly. **(Board Review 11)** In another clip showing 2:04:51 PM to 2:08:34 PM, at timestamp 0:59, § 87(2)(b) is holding her father's hand before putting her head on his shoulder and he puts his arm around her. **(Board Review 12)** A third clip from 2:17:19 PM to 2:28:56 PM, § 87(2)(b) can be seen wiping her eyes with her sleeve at timestamp 3:30. **(Board Review 13)**

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation A and Allegation B § 87(2)(g)

Part 3 of New York Penal Law 240.60 says falsely reporting an incident in the third degree occurs when a person: "Gratuitously reports to a law enforcement officer or agency (a) the alleged occurrence of an offense or incident which did not in fact occur; or (b) an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or (c) false information relating to an actual offense or incident or to the alleged implication of some person therein." **(Board Review 14)**

§ 87(2)(g), § 87(2)(b)

Allegation

C § 87(2)(g)

Civilian and Officer CCRB Histories

- PO Thomas Silla has been a member of service for 14 years and has been the subject in one CCRB complaint and one allegation, which was unsubstantiated. § 87(2)(g) **(Board Review 15)**
- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- This is the first CCRB complaint to which § 87(2)(b) has been a party.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation because she wants the Officer Silla disciplined.
- On September 25, 2020, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller. On October 2, 2020, the NYC Office of the Comptroller stated no notices of claim filed by § 87(2)(b) or § 87(2)(b) were located for this incident. **(Board Review 16)**
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. **(Board Review 17)**

- § 87(2)(b) [Redacted]
[Redacted]
[Redacted]

Squad No.: 7

Investigator:	<u>Nicholas Venduras</u>	<u>Inv. Nicholas Venduras</u>	<u>Oct. 31, 2020</u>
	Signature	Print Title & Name	Date

		<u>Manager Vanessa Rosen</u>	<u>November 2, 2020</u>
Squad Leader:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date